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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,295	09/26/2003	Pennie Ann Hoops	PH-1	6489
7590 11/02/2005				
ROBERT E. HARTENBERGER 2867 TOWNSHIP ROAD PASO ROBLES, CA 93446		EXAMINER DICUS, TAMRA		
		ART UNIT PAPER NUMBER		
		1774		
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/670,295

Applicant(s)

HOOPS, PENNIE ANN

Examiner

Tamra L. Dicus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Acknowledgement is made of the election of Group I, claims 1-6 and 12-16 with traverse.

#### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: "methacrylate" is misspelled. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,309,464 to Rauch.

Rauch teaches a product comprising a substrate having work surface (12 and 13, FIGS. 1-3 and associated text, functionally equivalent to a substrate because it supports the layers on it), a bonding agent on substrate work surface (clear acrylic adhesive, col. 3. lines 55-63), an intermediate layer of paper (14, FIG. 2 and associated text) having a printed image (15, 17, FIGS. 1-3 and associated text) on the intermediate surface not in contact with the adhesive, and a protective sealant acrylic coating (18, FIG. 4 and associated text) (instant claims 1, 3).

Rauch teaches the images are color images and thus inherently contain ink and may also contain printed indicia having themes (col. 3, lines 20-40).

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While Rauch teaches an acrylic bonding agent securing the substrate, Rauch does not teach the product is a cured bonding agent (instant claim 1).

Hatton teaches an acrylic adhesive bonding agent that is cured and is suitable for bonding substrates together and clear materials (Abstract, col. 1, lines 5-68, col. 16, line 65-col. 17, line 24).

It would have been obvious to one having ordinary skill in the art to have modified the product of Rauch to cure the acrylic bonding agent because Hatton teaches cured acrylic provide a suitable bond to secure substrates or clear materials (Abstract, col. 1, lines 5-68, col. 16, line 65-col. 17, line 24).

Regarding claim 6, Rauch teaches a protective acrylic coating, but does not teach the protective sealant includes a photoinitiator for curing the sealant.

Hatton teaches an acrylic adhesive bonding agent that is cured using a photoinitiator by heat or light, suitable for bonding substrates together and clear materials and are commercially available (Abstract, col. 1, lines 5-68, col. 3, lines 1-16, col. 13, lines 15-65, col. 16, line 65-col. 17, line 24).

It would have been obvious to one having ordinary skill in the art to have modified the product of Rauch to cure the acrylic bonding agent using a photoinitiator because Hatton teaches a photoinitiator is an ingredient used to cure an acrylic via heat or light to provide a suitable bond to secure substrates or clear materials (Abstract, col. 1, lines 5-68, col. 16, line 65-col. 17, line 24).

Regarding claim 12, because Rauch teaches the products are decorative ornaments (plural) for Christmas, they provide a collection of them. Especially obvious to provide the

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ornaments for a Christmas tree decoration. Further it would have been obvious to reproduce the same invention as a collection because duplication of parts is not germane to patentability. The mere duplication of parts has no patentable significance unless a new and unexpected result is produced.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,309,464 to Rauch in view of USPN 5,391,602 to Skoultchi.

Rauch essentially teaches the claimed invention above.

Regarding claims 5 and 14, Rauch teaches a protective acrylic coating, but does not teach the protective sealant is the reaction product of an acrylate oligomer and methacrylate ester monomers.

Skoultchi teaches cured acrylic adhesive including reaction product of an acrylate oligomer and methacrylate ester monomers having high peel strength and high-temperature hold (col. 1, lines 5-10, col. 1, line 65-col. 2, line 50) for adhering desired substrates.

It would have been obvious to one having ordinary skill in the art to have modified the product of Rauch to cure the acrylic bonding agent because Skoultchi teaches cured acrylic adhesive including an reaction product of an acrylate oligomer and methacrylate ester monomers having high peel strength and high-temperature hold (col. 1, lines 5-10, col. 1, line 65-col. 2, line 50) for adhering desired substrates.

Claims 2 and 13are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,309,464 to Rauch in view of USPN 6,565,968 to Li et al.

Rauch essentially teaches the claimed invention above.

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Regarding claims 2 and 13, Rauch teaches a protective acrylic coating, but does not teach the protective sealant is the reaction product of an alkyl cyanoacrylate and polymethylmethacrylate.

Li teaches cured acrylic adhesives and protection coats from an alkyl cyanoacrylate and polymethylmethacrylate) applied to substrates, film, or paper (col. 3, lines 1-40, col. 5, lines 1-35, col. 8, lines 10-20, col. 9, lines 1-10).

It would have been obvious to one having ordinary skill in the art to have modified the product of Rauch to cure the acrylic bonding agent because Li teaches cured acrylic adhesives and protection coats from an alkyl cyanoacrylate and polymethylmethacrylate) applied to substrates, film, or paper (col. 3, lines 1-40, col. 5, lines 1-35, col. 8, lines 10-20, col. 9, lines 1-10 of Li).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,309,464 to Rauch in view of USPN 3,874,966 to Garcia.

Rauch essentially teaches the claimed invention above.

Rauch does not teach the photographic paper has a foil layer (instant claim 16).

Garcia teaches applying foil (14, Fig. 2 and associated text) to paper (18, Fig. 2 and associated text) for producing a reflective surface and overall unique design having an aesthetically pleasing appearance in decorative laminates (Abstract, Fig. 2 and col. 3, lines 28-40).

It would have been obvious to one having ordinary skill in the art to have modified the product of Rauch to provide the photographic paper with foil because Garcia teaches applying

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foil to paper for producing a reflective surface and overall unique design having an aesthetically pleasing appearance in decorative laminates (Abstract, Fig. 2 and col. 3, lines 28-40).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 4,378,392 to Segel teaches a laminate in this order: protective adhesive 18, image 14, substrate 12, adhesive 18, where image 14 and substrate 12 is a photograph or graphic.
- USPN 4,125,653 to Muzik teaches a graphic laminate in this order: protective lamina adhesively secured to print layer, plastic, magnetic material, and base.
- USPN 6,472,056 to Rea teaches a radiation-cured laminate in this order: protective 2, UV cured adhesive 4, facestock 6, PSA 8, and release liner 9.
- USPN 5,342, 731 to Kelly teaches in this order: paper, UV hardened adhesive 18, release 16, image forming layer 14, and transparent film 12.
- USPN 4,265,976 to Nowak teaches radiation cured adhesive including photoinitators and acrylic.
- USPN 4,177,310 to Steeves teaches a thin metal layer onto a resin-coated and cured paper surface.

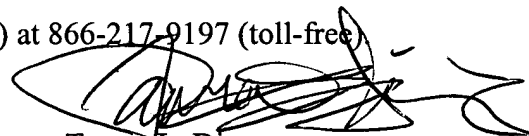
### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

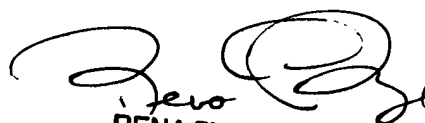
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus  
Examiner  
Art Unit 1774

October 26, 2005



RENA DYE  
SUPERVISORY PATENT EXAMINER  
A.U. 1774 10/28/05